

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-12 are pending and stand rejected.

Claims 1, 2, 9, 11 and 12 have been amended.

Claims 1, 2, 9, 11 and 12 are independent claim.

The specification is objected to for failing to provide a title that is descriptive and for including labels in the Abstract. Claims 1-5 and 7-12 stand rejected under 35 USC §102, as being anticipated by Kimura (USP no. 7,116, 309). Claim 6 stands rejected under 35 USC §103(a) as being unpatentable over Kimura in view of Abileah (USP no. 7053967).

With regard to the objection to the specification, applicant respectfully disagrees with the reasons for the objection. However, in order to advance the prosecution of this matter, applicant submits herewith a new Title of the invention claimed and has provided amendments to the Abstract to remove the objected-to labels.

For the submission of the new Title and amendments to the Abstract, applicant submits that the reason for the objection has been overcome and respectfully requests that the objection be withdrawn.

With regard to the rejection of claims 1-5 and 7-12 as being anticipated by Kimura, applicant respectfully disagrees with and explicitly traverses the rejection of the claims. However, in order to advance the prosecution of this matter, applicant has elected to amend the independent claims to further recite that the image is formed by "by patterning said material wherein said patterning comprises a plurality of holes having a corresponding known depth within said material, said known depth determining a reduction of an intensity of light compared to an intensity of light of said material surrounding a corresponding one of said holes." No new matter has been added. Support

for the amendment may be found at least on page 6, lines 23-29.

Kimura discloses a photowriting display comprising an electrochromic display member in which only regions irradiated with writing light generate carriers to realize conductivity within the display material, an electrochromic layer in which light absorption of the regions are reversibly changed owing to electrochemical oxidation and reduction reactions caused to occur because of the conductivity, an electrolyte in which the electrochromic layers are laminated and a pair of electrodes laminated through the photoconductor, the electrochromic layer and the electrolyte. Kimura discloses an optical pen that irradiates multiple layers within the display (see figure 11, for example) to product an image. As the light optical pen moves, the display retains the image that was previously written in order to produce image. Kimura further discloses that the image created on the display is erasable by applying a reversing voltage.

However, Kimura is silent with regard to patterning an image into the electrochromatic material as a plurality of holes having a known depth wherein the depth determines an intensity of light that is reduced from the intensity of light from the material surrounding the hole, as is recited in the claims. With regard to Kimura the image is generated with a moving light pen but is not patterned within the material as a plurality of holes of different depths.

A claim is anticipated if each and every element is recited in a single prior art reference.

Kimura cannot be said to anticipate the subject matter claimed in each of the independent claims, as Kimura fails to disclose a material element recited in the claims.

With regard to the rejection of claim 6 under 35 USC §103, applicant respectfully disagrees with and explicitly traverses the rejection of the claims.

As shown Kimura fails to disclose a material element recited in the claims and Abileah fails to provide any teaching to correct the deficiency found to exist in Kimura.

A claimed invention is *prima facie* obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the

reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations

In this case, the combination of Kimura and Abileah fails to disclose a material element recited in the independent claims and thus, the combination of Kimura and Abileah cannot be said to render obvious the subject matter recited in the dependent claim 6.

For the amendments made to the specification and for the remarks made herein, applicant submits that all the objections and rejections have been overcome and that the claims are in a condition for allowance. It is respectfully requested that a Notice of Allowance be issued.

Should the Examiner believe that the disposition of any issues arising from this response may be best resolved by a telephone call, the Examiner is invited to contact applicant's representative at the telephone number listed below.

Respectfully submitted,

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